



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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December 11, 2007

Bobby Blackmon, Division Administrator
Federal Highway Administration
Tennessee Division
640 Grassmere Park, Suite 112
Nashville, Tennessee 37211

SUBJECT: Draft Environmental Impact Statement for U.S. 127/State Route 28 Improvements from I-40 at Crossville to State Route 62 at Clarkrange in Cumberland and Fentress Counties, Tennessee; CEQ Number 20070422

Dear Mr. Blackmon:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (EIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The Federal Highway Administration (FHWA) and Tennessee Department of Transportation (TDOT) propose to improve an approximate 14-mile section of U.S. 127/State Route (SR) 28 from Interstate 40 in Crossville north to the intersection of U.S. 127 and SR 62 in Clarkrange in Cumberland and Fentress Counties, Tennessee.

Eight alternative alignments are proposed utilizing a combination of various individual segments on existing or new location between Crossville and Clarkrange. The proposed roadway would either be a four-lane divided or a five-lane with center turn-lane facility, depending on the cross-section selected. The no-action alternative and a transportation management alternative were also considered. The preferred alternative is the "Blue Alternative", which would include upgrading the existing U.S. 127 roadway to a four-lane divided facility with a 48-foot median, with the exception of the beginning and end of the project, which would be built as a five-lane typical section.

In particular, EPA would like to commend TDOT for employing a comprehensive context sensitive solutions (CSS) approach to this project and significantly involving local residents and other stakeholders to serve as project advisors during project planning. Public opposition to alternatives initially proposed entirely on new location was one of the reasons that alternatives that followed the existing alignment were reexamined in detail. It is apparent that the citizen resource work groups and public concerns were seriously considered in the selection of the preferred alternative. Hopefully this CSS process will provide lessons-learned and will be utilized in future projects.

Based on our review of the Draft EIS, EPA has concerns related primarily to potential water quality impacts associated with construction and future operation of the proposed project. Many perennial and intermittent streams, which are tributaries to the Obed River, would be crossed by the proposed project. The Obed River is an ecologically important river that is designated critical habitat for the threatened spotfin chub and contains numerous threatened and endangered species. The project would cross Clear Creek which is also designated spotfin chub critical habitat. The Obed River and Clear Creek are considered exceptional Tennessee waters. EPA is concerned that the project could threaten these designations due to sedimentation, contaminants in stormwater runoff, altered flow patterns and habitat fragmentation.

In general, EPA supports the preferred alternative identified that includes widening of existing U.S. 127. However, given the above water quality concerns, roadway design and post-construction stormwater management will be important considerations in the planning process. The Draft EIS states that, "all streams in the study area are classified by TDEC as impaired..." After a review of the Year 2006 Section 303(d) list, it is unclear to which streams this statement is referring and should be clarified in the Final EIS. In addition, TDOT proposes to design the new bridge over Clear Creek to not include placement of piers directly in the creek. Additionally, design of the project will incorporate drainage features so that runoff is not introduced directly to Clear Creek. EPA supports this hydraulic design and recommends similar design features for the two additional bridge crossings of No Business Creek and Lickfork Creek, perennial tributaries to Clear Creek.

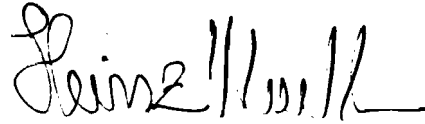
The Draft EIS suggests that Segment 6 was designed on new location to straighten a curve, while minimizing environmental impacts. Segment 6 is the section that will include a new bridge crossing of Clear Creek. How will environmental impacts be minimized by the design/construction of this new crossing? Also, what will happen to the old road and bridge crossing of existing U.S. 127 after the new alignment is built to the east? Will it be demolished or remain in-place? This should be better explained in the Final EIS.

The Draft EIS identifies that the preferred alternative would improve access to North Cumberland Elementary School. It is unclear if this is referring strictly to vehicular access or also to pedestrian/bicycle access. Both citizen advisory groups expressed an interest in having sidewalks in the area around North Cumberland Elementary School. The Draft EIS suggests that this option will be considered during the design phase of the project. Given the community interest, EPA recommends that TDOT include this design consideration in the project description in the Final EIS, such that pedestrians and bicycles will be able to obtain improved and safe access to school. It has been shown elsewhere that well-designed sidewalks with appropriate widths and landscaped buffers between vehicular traffic can provide important connections between neighborhoods and community facilities, even along heavily traveled roadways.

We rate this document EC-1 (Environmental Concerns). Enclosed is a summary of definitions for EPA ratings. We have concerns that the proposed action identifies the potential for impacts to the environment that should be avoided/minimized. We appreciate the opportunity

to review the proposed action. Please contact Ben West at (404) 562-9643 if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz J. Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure

cc: Tennessee Department of Transportation

U.S. ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENT (EIS) RATING SYSTEM CRITERIA

EPA has developed a set of criteria for rating Draft EISs. The rating system provides a basis upon which EPA makes recommendations to the lead agency for improving the draft.

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

- LO (Lack of Objections): The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- EC (Environmental Concerns): The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.
- EO (Environmental Objections): The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental objections can include situations:
 1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;
 2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;
 3. Where there is a violation of an EPA policy declaration;
 4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or
 5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.
- EU (Environmentally Unsatisfactory): The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
 1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;
 2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or
 3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

- 1 (Adequate): The Draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.
- 2 (Insufficient Information): The Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the Draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the Final EIS.
- 3 (Inadequate): The Draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the Draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the Draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised Draft EIS.